10200–10248 *CC, CD, CE, and CP Cases*

10200 *Generally:* Cases arising under Section 8(b)(4) and (7) and Section 8(e) are among the most complex under the Act. Besides, cases arising under these sections have statutory priority (sec. 11740).

Therefore special procedures and principles apply to CC cases, CD cases in which 10(l) injunctive relief is indicated, CE cases and CP cases, including petitions, filed under Sections 8(b)(7) and 9(c) of the Act, as well as charges affecting the disposition of such CP cases and petitions filed thereunder. They must be handled with utmost dispatch, even though the disposition of cases having lesser priority will be somewhat delayed. To expedite the processing of such cases, the Region should, at the time of filing of the charge, or immediately thereafter, request the charging party to submit promptly (normally within 24 hours) evidence in support of the charge.

10200.1 *Notification to Washington:* In CC, CD, CE, and CP cases, in the discretion of the Regional Director, Washington should be alerted concerning charges involving, for example, defense industries or installations, or cases of more than local interest. Insofar as possible, all such communications should contain the following information:

a. The identity of the unions, employer, and charging party

b. The situs of the dispute

c. Whether a work stoppage exists

d. Whether there has been a work assignment, and to whom

e. The type of work in dispute

f. Whether a contract covers the employees or the work in dispute

g. Whether a union has been certified

h. Information concerning voluntary adjustment

i. Regional recommendations with respect to 10(l) injunctive relief.

Whenever communications are used to apprise Washington of the filing of charges involving missile sites, etc., they should be addressed to the General Counsel, Attention: Associate General Counsel, Division of Advice.

10200.2 *Final Report and Request for Advice:* Whenever a statutory priority case is to be submitted for advice the request for advice should be submitted to Washington as soon as the Region has completed its investigation (within 72 hours absent unusual circumstances). Request for advice should contain a final report in which all facts are related and credibility questions resolved, together with a legal opinion and recommendations. Regional Directors should decide in all circumstances whether requests for advice should be submitted by memo or by teletype. Whenever requests for advice are submitted by teletype, they should be addressed to the Associate General Counsel in charge of the Division of Advice. When submitted in memo form, an original and seven copies of the ''Request for Advice'' are required (sec. 11756).

Washington requests for further information or followup on the investigation should be given the same priority as the initial investigation.

In CE and CC cases involving demands for 8(e) clauses, the report should set forth verbatim the contract language (if a written contract is involved) claimed to be a violation.

10200.3 *Action on Advice:* Injunctive action, if taken, will be handled by the Region. (See injunctive relief under Sec. 10(l), secs. 10230–10234.) Issuance of notice of 10(k) hearing in a CD case will be handled by the Region (sec. 10210.1). If and when issuance of complaint in a CC, CD (sec. 10214.1), CE, or CP (sec. 10240) is authorized or is contemplated, the issuance of the complaint and the formal proceeding will be handled by the Region in the same manner as other charges (see Formal Proceedings, secs. 10250–10452), except that when injunctive relief is sought the complaint in such cases shall be issued promptly, normally within 5 days of the filing of the injunction petition. Allegations in complaints will customarily utilize the language of the statute or the 10(l) petition. It is essential that complaint allegations involving violations of Section 8(b)(4) specify whether the violations are under Section 8(b)(4)(i) or (ii) or both.

10200.4 *Request for Hearing Date:* Once a determination has been made that the case is meritorious, and absent settlement or the existence of favorable circumstances warranting further settlement negotiations, the

Region should issue complaint promptly. Request the Chief Administrative Law Judge to set the date for hearing to be held within 3 weeks from the date complaint issues. This procedure will apply to cases involving proceedings under Section 10(l) in which complaint will usually issue within 5 days after filing of a petition for injunctive relief, and to cases in which the Region recommends 10(j) relief to Washington.

10200.5 *Ancillary Proceedings:* Cases in which the Region recommends 10(j) relief should be accorded priority handling even though the General Counsel or the Board may ultimately decide that extraordinary relief should not be sought in the case.

In the event 10(j) relief is authorized by the Board and the hearing before an administrative law judge has opened, Regions will institute 10(j) proceedings immediately. If necessary, obtain a continuance of the unfair labor practice hearing to process the injunction proceeding before the court. (See Injunctive Relief Under Section 10(j), secs. 10310–10312.)

10206 *CC Cases Not Related to Section 8(e):* Clearance from the Division of Advice is not required for the dismissal, solicited withdrawal, or complaint in CC cases not related to Section 8(e), except in novel situations (sec. 11751.1). Unsolicited withdrawals need not be cleared even in novel situations (sec. 11751.1); nor is clearance required for settlements unless they fall within one of the categories specified in section 11751.2.

(For more detailed guidelines see G.C. Memo 73–82, pursuant to which, and except as specified therein, Regions are authorized to process and dispose of 8(b)(4)(D) charges and to seek 10(l) injunctions without prior Washington clearance.)

10208–10214 *CD Cases*

10208 *Generally:* The Act, in Section 10(k), provides that, on the filing of an 8(b)(4)(D) charge, the Board shall hear and determine the dispute involved, unless, within 10 days after the parties have been notified that the charge has been filed, they satisfy the Board that they have adjusted or have agreed on a method for voluntary adjustment of the dispute; and that, on the parties' compliance with any such voluntary adjustment of the dispute, the charge should be dismissed.

Where evidence is received that one of two competing unions has unequivocally disclaimed the work in dispute, it may be that there is no longer a jurisdictional dispute. The mere fact that employees represented by the disclaiming union continue to engage in conduct inconsistent with the disclaimer does not invalidate the disclaimer, provided that the employees are not fronting for the union and there is no evidence that the disclaimer is a sham. *Teamsters Local 85 (U.C. Moving)*, 236 NLRB 157 (1978). If the disclaimer is valid, the charge should be dismissed and the notice of 10(k) hearing quashed, if already issued.

Here, then, we have a number of features unique in the Act. A formal procedure *preliminary* to issuance of complaint is provided; the parties may, by specified action, effect a postponement or elimination of this preliminary formal procedure; and they may, by further specified voluntary action, effect a disposition of the entire proceeding.

10209 *Notice of Charge Filed:* In all CD cases, as soon as possible after the charge has been filed, the Region promptly serves a copy of the charge together with a copy of Notice of Charge Filed on all parties to the dispute. These include not only the respondent or respondents and the charging party or charging parties, but also the employer having control over the assignment of the work in dispute, if he is not a charging party, and other union or unions or the groups to which the work has been assigned, or which claim the work in dispute.

These last named parties are to be included in the caption of the case. The notice of charge filed as well as the charge shall be made part of the record in the 10(k) proceeding, if one is held.

10209.1 *Pattern for Notice of Charge Filed:*

[Case Caption]

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that pursuant to Section 10(b) of the National Labor Relations Act, a Charge has been filed alleging the above-named labor organization, [Insert name of the respondent or respondents] has engaged in an unfair labor practice within the meaning of Section 8(b)4(D) of the Act. A copy of the Charge is attached hereto.

YOU ARE FURTHER NOTIFIED, pursuant to Section 10(k) of the Act, that, unless within 10 days after receipt of this Notice of Charge Filed the parties to the dispute alleged in said Charge submit to the undersigned satisfactory evidence that they have adjusted said dispute or have agreed on methods for the voluntary adjustment thereof, the Board is empowered and directed to hear and determine the dispute out of which the said unfair labor practice charge arose if it is determined that the said charge has merit.

IN WITNESS WHEREOF, the undersigned Regional Director has caused this Notice of Charge Filed to be signed at on this day of 19 .

Regional Director
National Labor Relations Board
Region

10210 *The 10(k) Hearing:* If it appears that the charge has merit, the Region should issue notice of 10(k) hearing, unless there is agreement by the parties on a method of voluntary adjustment of the dispute or unless there is an actual adjustment (sec. 10212). This hearing and determination are known as the 10(k) hearing and 10(k) determination, respectively, after the section of the Act providing for them.

In those instances where they are unable to absorb the additional workload, Regions may request the assistance of administrative law judges in the handling of the more complex 10(k) hearings. Requests for assistance should be submitted to the Region's Assistant General Counsel in the Division of Operations Management.

10210.1 *Notice of Hearing and Service:* Once a 10(k) hearing is deemed appropriate, the Region should promptly issue notice of hearing and serve it on all parties to the dispute, including all employers having control over the assignment of the work in the dispute, and the union or unions, or group or groups, to which the work has been assigned, or which claim the work.

The respondent or respondents and charging party or charging parties, as well as the employer having control over the assignment of the work in dispute, if he is not a charging party, and the union or unions or group or groups, to which the work has been assigned, or which claim the work, should be included in the caption of the case. In cases involving 10(l) injunctive relief, the notice of hearing should be issued normally within 5 days after such injunctive relief is first sought (see Sec. 102.90 of Rules and Regulations).

10210.2 *Scheduling of Hearing:*

a. Although Section 10(k) and the Board's Rules and Regulations (Sec. 102.90) permit the hearing in any 10(k) case to be set for the 11th day after service of the notice of charge filed, or any date thereafter, such hearings generally are to be scheduled for more than 10 days after service of the notice of hearing, not service of the notice of charge filed.

b. Authority to schedule the hearing for less than 11 days after service of the notice of hearing should be secured in advance from the Division of Operations Management, unless the parties are in agreement. Such authority should be sought in *all* missile site cases and may be sought in other cases involving the national defense and in other cases where special circumstances indicate that an expedited hearing would be in the public interest.

c. Even in cases where scheduling of the hearing on a date less than 11 days after service of notice of hearing is authorized, adequate notice to the parties of the hearing date must be allowed. This may vary depending on circumstances, such as the urgency of the matter, the positions of

the parties, the complexities of the issues, and the time reasonably required to prepare for an adequate hearing. The circumstances should be reported to the Division of Operations Management when authority to schedule the hearing for an early date is sought, together with the date proposed.

10210.3 *National Defense Cases:* All 10(k) notices of hearing in cases involving missile or space sites are to contain the designation ''This Case involves the National Defense'' (see pattern in sec. 10210.8). Permission to designate other cases as ''involving the National Defense'' should be obtained from the Division of Operations Management.

Where the notice of hearing in a 10(k) proceeding designates the cases as ''involving the National Defense,'' the Region is instructed to order expedited copy of the transcript of the hearing in order to hasten submission of the dispute to the Board for determination. In other 10(k) cases, not designated in the notice as involving the National Defense, the Regional Director may order expedited copy of the transcript on good cause shown.

10210.4 *Adjustment:* Should the parties, during the hearing, report to the hearing officer an agreed-on method of adjustment or an actual adjustment, the Hearing Officer should recess the hearing (see sec. 10212 for further regional action). If, however, there is an issue with respect to an alleged agreed-on method or actual adjustment, the hearing should continue and evidence on this issue should be taken during the course of that hearing.

Should an agreed-on method of adjustment or an actual adjustment be reported to the Regional Office after the close of the 10(k) hearing, the party or parties raising the issue should be instructed to direct such information to the Board through the Executive Secretary's office. Meanwhile, the Region should report the facts to the Board, through the Executive Secretary's office and to the Division of Operations Management for a consideration of further steps to be taken, if any.

10210.5 *Hearing Officers:* 10(k) hearings are usually conducted by a hearing officer from the Region involved in the same manner as hearings in R cases.

The text of Form 4669 should be adapted to the purposes of the 10(k) hearing and the entire adaptation read into the record. (See secs. 11180–11248.) The hearing officer should not be the same person who investigated the charge, who acted as attorney for the General Counsel in a companion CC case based on the same facts, or who may prosecute the CD unfair labor practice case that may arise thereafter.

While the parties bear the responsibility of supporting their respective contentions, the hearing officer should see that the Board gets a complete record, including evidence as to whether there exists reasonable cause to believe that the respondent has violated Section 8(b)(4)(D) of the Act.

Immediately upon the close of the hearing, the hearing officer should forward to the Executive Secretary's office an appearance sheet containing the names and addresses of all interested parties and Form NLRB-856 with the date on which the hearing closed and the due date for briefs entered so that any request/motion to the Board may be promptly processed.

10210.6 *Hearing Officer's Report:* As soon as possible after the close of a 10(k) hearing, the hearing officer should prepare and forward to the Executive Secretary of the Board a hearing officer's report (except in unusual and complicated cases, not later than 48 hours after the close of hearing). The report should set forth the issues and the evidence but should make no recommendations or findings. (This report is *not* served on the parties or counsel/representatives of record.)

10210.7 *Posthearing:* Posthearing procedures, including those applicable to briefs, should follow the procedures in sections 11258–11274, except that parties desiring to file briefs in cases designated as ''involving the National Defense'' must obtain leave to do so from the Board through the Office of the Executive Secretary.

10210.8 *Pattern for Notice of Hearing:*

[Case Caption]

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the day of , 19 , at [hour and place], pursuant to Section 10(k) of the National Labor Relations Act, a hearing will be conducted before a Hearing Officer of the National Labor Relations Board upon the dispute alleged in the Charge attached to the Notice of Charge Filed issued in this matter on the day of , 19 . At said hearing, the parties will have the right to appear in person or otherwise and give testimony.

The dispute concerns the assignment of the following work task(s):

[When authorized as a case involving the national defense, insert ''THIS CASE INVOLVES THE NATIONAL DEFENSE.'']

IN WITNESS WHEREOF, the undersigned Regional Director, on behalf of the Board, has caused this Notice of Hearing to be signed at on this day of , 19 .

Regional Director
National Labor Relations Board
Region

10212 *Voluntary Adjustment*

10212.1 *Method of Voluntary Adjustment; Actual Adjustment:* If the parties to a dispute either (a) agree on a method of voluntary adjustment of the dispute or (b) actually adjust the dispute, the course of a CD case, depending on all the circumstances, may be materially altered.

Both the *existence* of one or the other—the distinction between the two is extremely important—and the timing of the event must be closely scrutinized. The following are set forth as lines of investigative guidance:

10212.2 *Agreed-on Method of Voluntary Adjustment:* An agreed-on method of voluntary adjustment exists when the parties to the dispute have agreed to be bound, or in fact are bound, by an arrangement for the resolution of the dispute.

Examples are membership or acquiescence in the program administered by the Impartial Jurisdictional Disputes Board (G.C. Memo 73–82), a stipulation to submit the dispute to an arbitrator, a *consent* Board representation proceeding, or any other such arrangement.

10212.3 *Parties to Agreement: All* parties to the dispute must be parties to the agreed-on method of adjustment. Thus, the employer, as well as the union disputants, must be bound by the arrangement before it is considered an agreed-on method of voluntary adjustment within the meaning of this section. If an agreed-on method for voluntary adjustment results in a determination that the employees represented by a charged union are entitled to perform the work in dispute, the Regional Director shall dismiss the charge as to that union irrespective of whether the employer has complied with the determination.

10212.4 *Procedure; Voluntary Adjustment:* Upon a satisfactory showing of the existence of an agreed-on method of voluntary adjustment prior to the issuance of a 10(k) notice of hearing, the Region should normally postpone issuance of the notice, while retaining the charge in its pending status. If the notice has issued but the hearing has not yet opened, the notice should normally be withdrawn; here again the charge remains pending. If the 10(k) hearing is in progress (and is recessed—see sec. 10210.4), the notice should normally be withdrawn; the charge again remains pending. If the hearing is closed (and the parties have approached the Board directly—see sec. 10210.4), the Regional Director may communicate his/her regional position to the Board; at any rate future action will be based in part on such action as is taken by the Board.

At whatever stage the existence of an agreed-on method of voluntary adjustment is reported, subsequent developments—such as the issuance of a decision or award, an actual adjustment, a ''breakdown'' of the agreed-on method—should also be reported to the Office of the Executive Secretary as may be appropriate. The Division of Advice need not be notified unless the 10(k) notice of hearing was issued pursuant to advice.

10212.5 *Actual Adjustment:*

a. An *actual adjustment* exists when the parties in fact ''settle'' the dispute—for example, by reaching full agreement thereon or when an agreed-on method of voluntary adjustment culminates in a decision or award that resolves the dispute, with which settlement agreement, decision, or award the charged party is complying.

b. On a satisfactory showing of the existence of an actual adjustment prior to the issuance of a notice of 10(k) hearing, the charge (absent withdrawal) should normally be dismissed. At any time between the issuance of the notice and the close of the hearing, the charge (absent withdrawal) will normally be dismissed. If the hearing is closed and the parties have approached the Board directly (see sec. 10210.4), the Regional Director may communicate his/her regional position to the Board; at any rate future action will be based in part on such action as is taken by the Board.

10212.6 *Unsolicited Withdrawal Request:* Nothing in section 10212 should be construed as prohibiting the approval of an unsolicited withdrawal request submitted in connection with a satisfactory showing of an agreed-on method of adjustment or an actual adjustment, *if such showing* is made prior to the closing of the 10(k) hearing, see section 10210.4.

10213 *Impartial Jurisdictional Disputes Board:* One of the more common methods of voluntary adjustments of disputes covered by CD charges involves submission of the dispute to the Impartial Jurisdictional Disputes Board, which, effective June 1, 1973, succeeded the National Joint Board for the Settlement of Jurisdictional Disputes (see G.C. Memo 73–82).

If the parties to a CD charge are eligible for participation in the plan, the Regional Director should invite their attention to it. (They may procure information and stipulation forms from the Chairman, Impartial Jurisdictional Disputes Board, 815 16th Street, N.W., Washington, D.C. 20006.)

For a discussion as to who is bound to the Disputes Board see G.C. Memo 73–82.

10214 *Compliance with 10(k) Determination or Voluntary Adjustment Award:* On issuance of the 10(k) determination by the Board, the Region should ascertain whether the charged party is complying. If it is, the charge should be dismissed with the usual right of appeal, unless it is withdrawn.

10214.1 *Noncompliance:* If the charged party is *not* complying with a 10(k) determination, or with a decision or award made pursuant to an agreed-on method of voluntary adjustment, issuance of a complaint will follow. However, if the determination is that employees represented by the charged union are entitled to perform the work in dispute, the Regional Director shall dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

10216–10218 *CE Cases*

10216 *Generally:* The unfair labor practice under Section 8(e) runs against both employers and unions, although the charge may be filed against either an employer or a union or both. The allegation should specify whether the contract involved is expressed or implied, in writing, oral, or otherwise, the date on which the contract was entered into, and the parties thereto.

Note particularly the provisions of section 10040.4 with respect to service of a copy of the charge on parties other than the charging party and the party charged; a party to the contract involved in a CE case should be served with a copy of the charge even though no charge has been filed against it.

A violation of Section 8(e) is not established unless there is shown to be in existence either an express or implied agreement to cease doing business with another person or to cease handling the products of another employer.

Injunctive relief procedures in CE cases are the same as those employed in CC cases (see sec. 10230).

10218 *Settlements:* In 8(e) cases, settlements provide that the charged party (parties) shall cease giving effect to, or attempting to enforce, that part of the contract that contravenes the limitations of Section 8(e) of the Act. In addition, no settlement shall be approved where only one of the contracting parties is charged unless the party not charged shall:

a. Be a party or signatory to the agreement itself or

b. File with the Regional Director a letter or other document stating that it has knowledge of the proceedings and of the contemplated settlement and that it waives any right to be a party to the proceedings or to contest the settlement.

Pattern for settlement stipulation (sec. 10168 is generally applicable to CE cases except for paragraph 9 (notice language).

Although the violation under Section 8(e) is entering into the prohibited contract, the language in the settlement notice provides that the respondent employer and/or union will cease maintaining, giving effect to, or enforcing the 8(e) contract or agreement. It is suggested that the notice be patterned after issued Board decisions.

10230–10234 *Injunctive Relief Under Section 10(l)*

10230 *Injunctive Relief in CC, CE, and CP Cases:* Where there is reasonable cause to believe that a violation has occurred and that a complaint should issue in CC, CE, and CP cases, Section 10(l) of the Act authorizes injunctive relief.

Under that section, injunction proceedings are mandatory; however, if it appears that the union has voluntarily ceased engaging in the conduct and a resumption thereof is not threatened, so that there may be nothing to enjoin, commencement of 10(l) proceedings may be held in abeyance, as our experience in the courts has demonstrated that they are unwilling to accept filings where the activity has ceased and there is no likelihood of resumption. In the latter event, injunction proceedings should be instituted if it thereafter appears that a resumption of the conduct is imminent or likely.

When a determination has been made that a charge subject to the injunction procedure of Section 10(l) has merit and the charged conduct is continuing, or, if discontinued, resumption thereof is threatened, the Regional Office

should without delay determine whether the respondent will cease or refrain from engaging in the unlawful conduct and, absent prompt acquiescence with that demand, 10(l) proceedings should be instituted without further delay. Although settlement negotiations may be warranted prior to the institution of 10(l) proceedings, such negotiations should be summary in nature, and injunction proceedings should not be deferred when such negotiations become protracted or are unreasonably delayed.

On filing of a petition for 10(l) injunctive relief, complaint should issue promptly—normally within 5 days after filing of the 10(l) petition. A hearing date within 3 weeks from the date the complaint issued should be requested from the Chief Administrative Law Judge.

In preparation for 10(l) injunction proceedings, any portion of the investigation may be dispensed with in the Regional Director's discretion (see Sec. 101.4, Statements of Procedure).

The Division of Advice will be available to assist the Regions either where unusual circumstances, such as a heavy 10(l) docket, may preclude the timely handling of injunction proceedings, or the national scope or significance of the dispute may make Division of Advice handling more appropriate. The Division of Advice will be prepared to render procedural and substantive advice in the preparation and trial of 10(l) cases.

In any 10(l) case, where the court makes the order to show cause returnable at any unduly late date, consideration should be given as to the advisability of applying for a temporary restraining order, even though, had an early hearing date been set, no application for a temporary restraining order would have been made. In such situations, Regional Directors are authorized to act on requests for temporary restraining orders and to apply for temporary orders without Washington clearance.

Whenever it appears that the court is inclined to make the order to show cause returnable at a later date, it should be reminded of the congressional policy relating to Section 10(l) and the emergency nature of proceedings under that section.

In all cases where 10(l) injunctive relief is being sought, Regions should assure the court that the General Counsel will make every effort to expedite the proceedings before the Board and will oppose any unwarranted attempt by any party to delay the Board proceedings. Likewise, in every case where 10(l) injunctive relief has been obtained or is being sought, Regions should so inform (a) the Chief Administrative Law Judge when scheduling the hearing; (b) the assigned administrative law judge at the hearing on the record; and (c) the Board in the brief filed with it. At each stage, Regions will respectfully request that the case be processed expeditiously pursuant to Sections 102.95–102.97 of the Board's Rules and Regulations.

On filing of petition for injunctive relief, the complaint should be issued promptly, normally within 5 days.

In circumstances where an injunction has been secured, but the charges are subsequently dismissed, the injunction should remain in effect until the time to appeal has expired or, if an appeal is taken, until there has been a final determination of that appeal. (See also sec. 10122.5.)

Appeals from the district courts to the courts of appeals will be handled by the Division of Advice.

Copies of decisions and orders issued by the court in 10(l) proceedings should be forwarded to the Division of Advice in all cases where complaint was authorized by the Division of Advice and in all cases where the Region deems the court decision or order of particular significance.

Whenever requested injunctive relief is denied in all or in part, the Division of Advice should be notified promptly and a copy of the court's decision or order, if any, should be forwarded to the division, together with the Region's recommendation as to whether an appeal should be taken.

Copies of notices of appeal or other papers served on the Regional Office in connection with an appeal from the court's decision in a 10(l) proceeding should be promptly forwarded to the Division of Advice, except after the Office of the General Counsel has entered an appearance in the matter and it is clear from the affidavit of service or other documents that the Office of the General Counsel has already been served with such papers.

Whenever it is charged or it appears that an injunction order is being violated, the Division of Advice should be promptly notified, and after its investigation the Region should submit to the division its recommendation on whether contempt proceedings are warranted.

10232 *Injunctive Relief in CD Cases:* Application for a 10(l) injunction in a CD case is not mandatory. The Act provides for injunctive relief in CD cases when ''appropriate.'' (See G.C. Memo 73–82, pages 18–21, for discussion of discretionary 10(l) injunction in CD cases.)

The injunction procedure is the same as that employed in CC cases.

The criteria used in connection with 10(l) action are not the same as those used in connection with 10(j) action. (See secs. 10310–10312.)

10234 *Temporary Restraining Order:* The Act permits application for a temporary restraining order without notice only if ''substantial and irreparable'' injury *to the charging party* will be ''unavoidable'' before a hearing. For guidance see G.C. Memo 75–18 Authorization of Regional Directors to Process Without Clearance Requests and Applications for Temporary Restraining Orders in Section 10(l) Proceedings—Guide for Processing.

10240–10248 *8(b)(7) Cases*

10240 *Authorizations, 8(b)(7) Cases:* Regional Directors are authorized to issue complaints, dismiss charges, or accept solicited withdrawals in cases arising under Section 8(b)(7) without clearance from the Division of Advice except in novel situations (sec. 11751.1). Except as noted in section 10244.1, unsolicited withdrawals need not be cleared even in novel situations (sec. 11751.1), nor is clearance required for settlements unless they fall within one of the categories specified in section 11751.2.

10240.1 *Washington Consultation:* Regions should not hesitate to consult with the Division of Advice, by telephone when necessary, about questions that may arise during the processing of a case without regard to whether the case has been submitted for advice.

Similarly, such consultation or advice should be sought from the Division of Advice with respect to injunction proceedings relating to 8(b)(7) cases.

10240.2 *Cases of Special Interest:* The Division of Operations Management should be alerted concerning charges involving defense, missile, or space sites or other cases of more than local interest because of widespread publicity by the press or because the matter is likely to become the subject of outside inquiries addressed to Washington (secs. 10200.1 and 11751.1).

10241 *Request for Advice or Clearance:* A case may be submitted for advice or clearance by teletype or memo addressed to the appropriate Washington division.

The case file should be forwarded to Washington immediately with a copy of the teletype or the original and seven copies of the ''Request for Advice'' memo, as appropriate (sec. 11756).

10241.1 *Situations Likely to Present Novel Issues Warranting Submission for Advice:*

a. *Picketing*

1. Those unusual cases where traditional indicia of picketing are absent; e.g., no patrolling, no picket signs or ''handbilling.''

2. Those cases in which, apart from a sign importing organizational or recognitional object, all the evidence indicates that the picketing is not for such an object.

b. *8(b)(7)(A)*

1. Those cases where the lawfully recognized union disclaims representative status.

2. Those cases where a QCR arguably cannot be raised for reasons other than contract bar.

c. *8(b)(7)(C)*

1. Those cases (a) involving issues of ''abandonment'' of representative status and (b) those involving the prior *unlawful* recognition of the picketing union.

2. Those cases involving a determination of what constitutes a ''reasonable period of time'' for picketing without a petition being filed, except for those cases governed by the Board's *Eastern Camera* principle (141 NLRB 991, 997 (1963)).

3. Those cases where a petition is timely filed but is for an inappropriate unit or does not include the employees the picketing union is seeking.

4. Those cases where an expedited election would be warranted but the union ceases picketing—particularly where the picketing is for a brief period of time—and unequivocally disclaims interest in the employees.

5. Those cases that raise a substantial question as to whether a picket sign is within the second proviso.

6. Those cases that raise a substantial question as to whether the proviso picket sign is ''truthful.''

7. Those cases where the picketed premises are so located as to raise a presumption that any picketing could not have the purpose of advising the public or consumers.

8. Those cases that raise unusual ''proviso effect'' issues.

10242 *Investigation:* It is expected that CP charges be fully investigated within 72 hours after the filing of the charge.

The unfair labor practice elements of the case are within the province of the General Counsel, and any representation case elements are within the province of the Board. An application under Section 10(l) for injunctive relief must be made on a determination that an 8(b)(7) complaint shall issue. However, a valid 8(a)(2) charge will preclude any proceedings for an injunction. Therefore, if, at any time during the pendency of an 8(b)(7)

charge, an 8(a)(2) charge is filed, it must be investigated immediately and its merits determined.

If it is determined that on the basis of the investigation there is no merit to an 8(a)(2) charge, 10(l) proceedings are not to be instituted until the charge has actually been dismissed.

Once the 8(a)(2) charge is dismissed by the Regional Director, if the charging party does not immediately take an appeal and the circumstances require immediate application for injunctive relief, the Regional Director need not wait until the time to file the appeal expires before instituting 10(l) proceedings. If an appeal is taken, whether before or after commencement of the 10(l) proceedings, the Region should immediately communicate with the Division of Advice for joint consideration of the course of action to be followed in the particular case.

In many cases a representation petition will be filed at or about the same time as the CP charge is filed, which will involve the employees of the employer named in the charge. The charge should be fully investigated first, and the complete investigation of the petition should await a judgment as to the merits of the charge as noted above. (Of course, many of the elements to be determined in the investigation of the charge are relevant to the petition also, so that to some extent the elements common to both will be developed concurrently.)

(See sec. 10244.2 re petitions filed concurrently with or after commencement of picketing but no CP charge is on file.)

Where a representation petition and a related CP charge are pending, the charge should be investigated to determine:

a. Whether picketing or threats of picketing have been conducted for a proscribed object.

b. Whether subparagraphs (A) and (B) of Section 8(b)(7) are inapplicable and whether subparagraph (C), exclusive of the second proviso, is applicable.

c. Whether the petition has been filed within a reasonable time from the commencement of the picketing.

Unless all of the above factors are present, utilization of the expedited procedure is unwarranted.

The investigation should not be limited to the factors specified but all the evidence available that is related to the subject of the charge and the petition should be developed and reported. Care must be exercised to give the respondent union an opportunity to present its evidence and its position relating to the merits of the charge.

In addition to the 8(a)(2) charges referred to above, any charge that may block an election must likewise be investigated expeditiously, and the merits of such charge should be determined at the earliest possible moment.

If the petition is found to constitute a defense to conduct that would otherwise constitute a violation, no complaint issues and the petition is handled under the expedited procedure. In either event, the action of the General Counsel on the charge can, under the *Times Square Stores* doctrine (79 NLRB 361 (1948)), be treated as disposing of the questions concerning whether the special procedure is applicable.

The requirement that an election ''effectuate the purposes of the Act'' may be construed to permit the denial of the expedited procedure where, among other things, its use may be viewed as a circumvention of the procedures of Section 9(c)(1).

If prior to the dismissal of a representation petition, because of the petitioner's failure to furnish evidence required under Section 9(c)(1), an 8(b)(7)(C) charge is filed, the procedures with respect to related concurrent representation and 8(b)(7)(C) cases will apply.

10244 *Dispositions Without Hearing*

10244.1 *Dismissals*

a. *Dismissal of Charge:* This action of the General Counsel in connection with the unfair labor practice case may be dispositive of various issues that the Board may have to consider in a related representation case. A specific statement of the grounds for dismissal should be served on the filing party.

1. When the Regional Director does not find a violation of Section 8(b)(7) or does not find that a complaint is warranted, Pattern 70 letter (sec. 10248.1) should be followed.

2. When the Regional Director finds that issuance of an 8(b)(7)(C) complaint may be warranted except for the pendency of a petition filed within a ''reasonable time,'' the charge, unless withdrawn, shall be dismissed forthwith on issuance of the direction of election, and such dismissal shall not operate as a stay of the election. Follow Pattern 71 letter for dismissal of such charges (sec. 10248.2); note particularly that an appeal should be filed within 3 days—instead of 10—from the date of service of the dismissal letter.

b. *Dismissal of Petition:* In many instances, concurrently with or soon after the commencement of picketing, a representation petition will be filed, and there will be no CP charge on file. If the petition is of the usual type, it should be processed in the normal way. If the petitioner claims an exemption from the requirements of Section 9(c)(1) because of the picketing and expresses the desire for an expedited election, the petitioner should be informed that, absent the pendency of a CP charge, the expedited procedure is not available and an opportunity should be given the petitioner to furnish the necessary evidence to sustain the usual petition. (See Pattern 72 letter, sec. 10248.3.) If the petitioner does not furnish such evidence in compliance with the requirements of Section 9(c)(1), the petition should be dismissed, absent withdrawal. A dismissal of a petition in these instances is without prejudice. (If, prior to the dismissal of the petition, a CP charge is filed and investigation thereof reveals that an expedited election would be proper, the case should be processed accordingly.)

There is no right of appeal from dismissal of petitions filed pursuant to Section 102.76 of the Rules and Regulations in order to invoke the expedited election procedure, except by special permission of the Board (see Pattern 73 letter, sec. 10248.4). Special care must, therefore, be taken by the Regional Director in exercising delegated power and authority in this regard.

10244.2 *Settlement of CP Cases:* The scope of a remedy to be sought in settlement agreement will vary with the circumstances surrounding the violations. In any event, a remedy that merely requires cessation of conduct in the statutory language may not be sufficient to effectuate the

policies of the Act. Following are some proposed provisions that may be used as a basis for discussion in settlement negotiations.

Remedy Cease and desist from

[Under 8(b)(7) violations] threatening to picket [''threatening'' not in 8(b)(7)(C) order] [name of employer]

- or -

picketing or causing to be picketed [name of employer]

- or both -

[with an object of] forcing or requiring [name of employer] to recognize or bargain with Respondent as the representative of its employees, forcing or requiring the employees of [name of employer] to accept or select Respondent as their collective-bargaining representative,

- or both -

unless Respondent is certified as the representative of such employees where

[Under (A)] [name of employer] has lawfully recognized another labor organization in accordance with the National Labor Relations Act, and a question concerning representation may not be appropriately raised under Section 9(c) of said Act.

[Under (B)] within the preceding 12 months a valid election has been conducted under Section 9(c) of the National Labor Relations Act among the employees of [name of employer].

[Under (C)] such picketing is conducted without a valid petition under Section 9(c) of the National Labor Relations Act involving the employees of [name of employer] having been filed within a reasonable time after the commencement of such picketing, not to exceed 30 days. [Where a conclusion has been reached in a particular case that some specific period of time, less than 30 days is a ''reasonable time,'' the insertion of such specific number of days may be more appropriate.]

On approval of the settlement, respondent union should be informed by letter that the terms of the settlement contemplate the cessation of picketing for recognitional or organizational object during the settlement's posting period. To prevent any misunderstanding, the letter should expressly inform the parties that this prohibition applies to picketing, during the posting

period, with picket signs in terms of the second proviso to Section 8(b)(7)(C) of the Act.

10244.3 *Special Election Procedure Under Section 8(b)(7):* Provision has been made for any representation petition, RC, RD, or RM, to be processed under the special procedure. The requirements for a showing of interest and claim of recognition are dispensed with, however, in accordance with the terms of Section 8(b)(7)(C).

Special representation procedures under Section 8(b)(7) are conditioned on the filing of an 8(b)(7) or CP charge. The expedited procedure, which includes a provision for a prehearing election in appropriate cases, can be resorted to only if there is picketing for an object proscribed by Section 8(b)(7), a charge under that section is filed, and it is first determined that the picketing does not already violate subparagraph (A) or (B) of that section. In short, the expedited procedure may be utilized only where the filing of a representation petition may constitute a defense to picketing that is otherwise violative of Section 8(b)(7)(C).

The established doctrine that a free choice cannot be expressed by employees in the face of unremedied unfair labor practices also applies to elections under the expedited procedure. Accordingly, charges involving such alleged unfair labor practices must be disposed of before an expedited election can be held.

If the Regional Director determines that an election is warranted, he/she shall direct that an election be held in an appropriate unit of employees. The basis of eligibility of voters and the place, date, and hours of balloting shall be fixed by the Regional Director. Any party aggrieved may file a request with the Board for special permission to appeal that action to the Board, but such review, if granted, will not, unless otherwise ordered by the Board, stay the proceeding.

(The parties may enter into a consent-election agreement under Sec. 102.79 of the Rules and Regulations.)

Procedures, other than those mentioned above, for the conduct of the election and the postelection proceedings are the same as in regular ''R'' cases except that the Regional Director's rulings on any objections to the conduct of the election or challenged ballots are final and binding unless the Board, on an application by one of the parties, grants special permission to appeal from the Regional Director's rulings.

Although the expedited procedure contemplates prehearing elections in most cases, provision has been made for a hearing prior to an election where issues have been raised that the Regional Director believes should be decided before any election is conducted (sec. 10246).

10246 *Notice of Hearing in R Case:* Where a determination has been made that an ''expedited'' petition should be processed but novel or complex issues are involved, the Regional Director has the authority under the rules to set the case down for hearing on such issues prior to directing an election.

A hearing is to be directed only where it is deemed necessary to resolve certain questions prior to an election, particularly the question concerning the unit in which the election is to be conducted. Any other issue, relating to the propriety of processing under the expedited procedure, as for instance, whether the picketing was conducted for a proscribed object, or whether the petition was timely filed, or whether subparagraphs (A) or (B) are applicable, are not to be deemed within the compass of the issues which may be specified for hearing. Where such a hearing is directed, action on the CP charge is to be deferred pending the decision of the Regional Director, or the Board as the case may be, in the representation case.

Pattern 75 (sec. 10248.6) is a hearing notice designed to meet the special requirements of a situation that involves Section 8(b)(7)(C). Where there is more than one petition involved in the situation, use Pattern 76, Order Consolidating Cases and Notice of Representation Hearing (sec. 10248.7).

10247 *Typical Situations:* Following is a list of various typical situations that may arise with a brief statement respecting the appropriate procedure. In all the hypothetical situations it is assumed that picketing has been conducted for an object proscribed by Section 8(b)(7) in circumstances in which subparagraphs (A) and (B) are inapplicable, and no question of *bona fides* or circumvention exists.

	Situation	*Procedure*
a.	Timely RC, RD, or RM petition filed; no showing of interest or claim of recognition present. Employer or any person files 8(b)(7) charge while petition is pending.	Expedited election procedure applicable. When election directed, charge dismissed. (Charging party is allowed 7 days to file appeal. See Rules, Sec. 102.81(a).)
b.	Timely RC, RD, or RM petition filed; no showing of interest or claim of recognition present.	Since there is no 8(b)(7) charge, expedited election procedure inapplicable, processing of petition in normal way required. As necessary proof to sustain petition is lacking, dismissal of petition is warranted. If, before petition is dismissed, an 8(b)(7) charge is filed, expedited procedure is to be invoked.
c.	After dismissal of petition as in situation b, above, second timely petition filed. Employer or any person files 8(b)(7) charge.	Expedited election procedure applicable; charge will be dismissed when election is directed.
d.	Employer or any person files 8(b)(7) charge. No petition is filed.	Charge should be investigated in normal way. If investigation shows ''reasonable time'' has elapsed, charge should be processed.
e.	Employer or any person files 8(b)(7) charge. Untimely petition is filed.	Expedited procedure inapplicable; charge should be processed. Petition processed in normal way. If no proper proof submitted to sustain petition, it must be dismissed; if proof submitted, regular 9(c)(1) proceedings are warranted, but this does not stay processing of charge.

f.	CA, CB, CC, CD, or CE charge *directly related* to 8(b)(7) situation is dismissed.	Dismissal letter Pattern 1 (sec. 10122.8) sent. Seven-day appeal period given. (See Rules, Sec. 102.81(a).)

10248 *Patterns Designed to Meet Special Requirements of 8(b)(7) Cases:*

Pattern 70	Dismissal of Charge (No Direction of Election)
Pattern 71	Dismissal of Charge (With Direction of Election)
Pattern 72	Refusal to Process Under Expedited Procedure (and of intention to process under provisions of Sec. 9(c)(1))
Pattern 73	Dismissal of Petition
Pattern 74	Regional Director's Direction of Election
Pattern 75	Representation Hearing (8(b)(7)(C))
Pattern 76	Order Consolidating Cases and Notice of Representation Hearing

10248.1 *Pattern 70, Dismissal of Charge (No Direction of Election):* Charging party is allowed the usual 10 days to file appeal.

[Charging Party]

Re:
[Name of Respondent]
Case [number]

Dear Sir:

The above-captioned case charging a violation under Section 8(b)(7) of the National Labor Relations Act has been carefully investigated and considered.

It does not appear that further proceedings on the charge are warranted inasmuch as—

there is insufficient evidence that there was picketing of, or a threat to picket, an employer;

there is insufficient evidence that there was picketing of, or a threat to picket, an employer for an object proscribed by Section 8(b)(7) of the Act;

it appears that the picketing or threat thereof described in the charge was engaged in by a labor organization that is currently certified pursuant to Section 9(c) of said Act;

there is insufficient evidence that picketing was conducted for an unreasonable time within the meaning of Section 8(b)(7)(C) of the said Act;

it appears that the picketing that has been alleged in the charge is privileged under the second proviso to Section 8(b)(7)(C) of the Act;

there is insufficient evidence that the picketing or the threat(s) of picketing occurred under circumstances that violate Section 8(b)(7)(A) or (B) of the Act.

I am therefore refusing to issue a complaint in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing an appeal with the General Counsel of the National Labor Relations Board, Washington, D.C. 20570, and a copy with me. The appeal must contain a complete statement setting forth the facts and reasons on which it is based. The appeal must be received by the General Counsel in Washington, D.C., by the close of business on [month-day-year]. On good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. A copy of any such request for extension of time should be submitted to me.

If you file an appeal, please complete the notice forms I have enclosed with this letter and send one copy of the form to each of the other parties. Their names and addresses are listed below. The notice forms should be mailed at the same time you file the appeal, but mailing the notice forms does not relieve you of the necessity for filing the appeal itself with the General Counsel and a copy of the appeal with the Regional Director within the time stated above.

Very truly yours,

Regional Director

cc: General Counsel
Respondent(s)
Address(es)

10248.2 *Pattern 71, Dismissal of Charge (With Direction of Election):* Charging party must file appeal within 7 days of service of letter to be timely. (See Rules, Sec. 102.81(a).) (See sec. 11840.4 for computation of date.)

[Charging Party]

Re:
[Name of Respondent]
Case [number]

Gentlemen:

Dear Sir:

The above-captioned case charging a violation under Section 8(b)(7) of the National Labor Relations Act has been carefully investigated and considered.

It does not appear that further proceedings on the charge are warranted inasmuch as a timely valid representation petition involving the employees of the employer named in the charge has been filed within a reasonable time from the commencement of the picketing described in said charge, and a determination has been made that an expedited election should be conducted on such petition in accordance with the provisions of Sections 8(b)(7)(C) and 9(c) of said Act and the National Labor Relations Board Rules and Regulations. A notice of such election is being issued in Case [number].

I am therefore refusing to issue a complaint in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing an appeal with the General Counsel of the National Labor Relations Board, Washington, D.C. 20570 and a copy with me. The appeal must contain a complete statement setting forth the facts and reasons on which it is based. The appeal must be received by the General Counsel in Washington, D.C., by the close of business on [month-day-year]. Such appeal shall not operate as a stay to any action by the Regional Director.

If you file an appeal, please complete the notice forms I have enclosed with this letter and send one copy of the form to each of the other parties. Their names and addresses are listed below. The notice forms

should be mailed at the same time you file the appeal, but mailing the notice forms does not relieve you of the necessity for filing the appeal itself with the General Counsel and a copy of the appeal with the Regional Director within the time stated above.

Very truly yours,

Regional Director

cc: Other parties
General Counsel
Attorney(s) or Representative(s) of record

10248.3 *Pattern 72, Refusal to Process Under Expedited Procedure:*

[Petitioner]

Re:
[Name of Employer]
Case [number]

Dear Sir:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) and a charge filed pursuant to Section 8(b)(7) of the National Labor Relations Act, has been carefully investigated and considered.

It does not appear that expedited procedures pursuant to said section of the Act are warranted inasmuch as

the petition has not been filed within a reasonable time after the commencement of picketing of the employer named in the petition, a reasonable time having been determined in the current circumstances to be days.

[Other reason.]

I am therefore declining to process the petition under said expedited procedures and am proceeding to process the petition in accordance with the provisions of Section 9(c)(1) of the National Labor Relations Act and of Subpart C of the National Labor Relations Board Rules and Regulations.

If you have not already done so, furnish evidence that

A substantial number of employees wish to be represented by the petitioner for the purposes of collective bargaining.

A substantial number of employees do not desire to be represented for collective-bargaining purposes by the labor organization (individual) currently certified (recognized).

A labor organization or individual has presented a claim to the petitioner to be recognized as the representative of the petitioner's employees as defined in Section 9(a) of the Act.

Unless such evidence is submitted promptly, the petition will be dismissed.

Very truly yours,

Regional Director

cc: Other parties
The Board

10248.4 *Pattern 73, Dismissal of Petition:*

Petitioner

Petitioner's representative

Re:
[Name of Employer]
Case [number]

Dear Sir:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) and a charge filed pursuant to Section 8(b)(7) of the National Labor Relations Act, has been carefully investigated and considered.

It does not appear that further proceedings are warranted inasmuch as I have determined that there is reasonable cause to believe that the picketing described in the charge in Case [number] is violative of Section 8(b)(7)(A) and (B) of the Act. Based on my decision to issue an unfair labor practice complaint in that matter, no question concerning representation can be raised at this time.

I am therefore dismissing the petition in this matter.

(The dismissal letter should inform the parties of the right to obtain review (under Sec. 102.71 of the Rules) by filing a request with the Board in Washington. The letter should also advise the petitioner that the R case dismissed is subject to reinstatement, if appropriate, on the petitioner's application after disposition of the ULP proceeding. To assure notification to the petitioner of the disposition of the ULP proceeding, the petitioner, if not a party to the ULP proceeding, should be considered a party

in interest in the ULP proceeding with an interest limited solely to receipt of a copy of the order or other document that operates to finally dispose of the proceeding.)

Very truly yours,

Regional Director

cc: National Labor Relations Board
Washington, D.C. 20570

Employer - Union
Address
Interested Labor Organization(s)
Address(es)

10248.5 *Pattern 74, Regional Director's Direction of Election:*

Petitioner

Employer

Unions

Re:
[Name of Employer]
Case [number]

Dear Sir:

On the basis of the investigation made to date in the above matter, it appears appropriate now to conduct an election by secret ballot to determine whether or not the employees of [name of employer] in the unit of employees described below wish to be represented for purposes of collective bargaining by [name of union] or [name of other interested unions] pursuant to Section 9(c) of the National Labor Relations Act, or by no union.

Accordingly, pursuant to Sections 8(b)(7)(C) and 9(c) of the Act, and Section 102.77 of the National Labor Relations Board Rules and Regulations, an election by secret ballot will be conducted, as provided in the enclosed Notice of Election, among the employees of the above-named employer in a unit described as follows, which is hereby found to be appropriate:

[Description of Unit]

Additional copies of the Notice of Election are being herewith furnished the employer for posting in conspicuous places throughout the plant [or other premises].

Your cooperation will be appreciated.

Very truly yours,

Regional Director

10248.6 *Pattern 75, Representation Hearing (8(b)(7)(C)):*

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

[Name of Party]

and Case [number]

[Name of Party]

NOTICE OF REPRESENTATION HEARING

The Petitioner, above named, having heretofore filed a petition pursuant to Section 9(c) of the National Labor Relations Act, copy of which petition is hereto attached, and it appearing that, pursuant to said section and to Section 8(b)(7)(C) of the Act, a question affecting commerce has arisen concerning whether the employees described by such petition desire a collective-bargaining representative as defined in Section 9(a) of the Act, and concerning the unit in which an election may appropriately be conducted to resolve such question.

YOU ARE HEREBY NOTIFIED that, pursuant to Section 9(c) of the Act, and the National Labor Relations Board Rules and Regulations, on the day of , 19 , at , a hearing will be conducted before a Hearing Officer of the National Labor Relations Board on the aforesaid question, at which time and place the parties will have the right to appear in person or otherwise and give testimony.

IN WITNESS WHEREOF, the undersigned has signed this Notice of Representation Hearing on this day of , 19 .

Regional Director
National Labor Relations Board

(Address)

10248.7 *Pattern 76, Order Consolidating Cases and Notice of Representation Hearing:*

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

[Name of Party]

and Case [number]

[Name of Party]

[Name of Party]

and Case [number]

[Name of Party]

ORDER CONSOLIDATING CASES AND NOTICE OF REPRESENTATION HEARING

Petitions, pursuant to Section 9(c) of the National Labor Relations Act, having been filed by [name of party] in Case [number]; by [name of party] in Case [number]; copies of which petitions (or amended petitions) are hereto attached; and a charge having been filed under Section 8(b)(7)(C) of the Act; and the undersigned having duly considered the matter and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay.

IT IS HEREBY ORDERED, pursuant to Section 102.82 of the National Labor Relations Board Rules and Regulations, that these cases be, and they hereby are, consolidated.

It further appearing that questions affecting commerce have arisen concerning whether the employees described by said petitions desire a collective-bargaining representative as defined in Section 9(a) of said Act, and concerning the unit in which an election may be conducted to resolve such questions.

YOU ARE HEREBY NOTIFIED that, pursuant to Section 9(c) of said Act and Section 102.77 of the National Labor Relations Board Rules and Regu-

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lations, on the day of , 19 , at in the , a hearing will be conducted on the aforesaid questions at which time and place the parties will have the right to appear in person or otherwise and give testimony.

IN WITNESS WHEREOF, the undersigned has signed this Order Consolidating Cases and Notice of Representation Hearing on this day of , 19 .

Regional Director
National Labor Relations Board

(Address)